








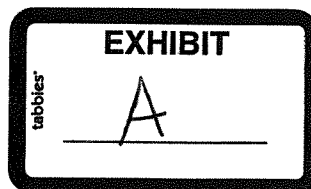
[Print](#)

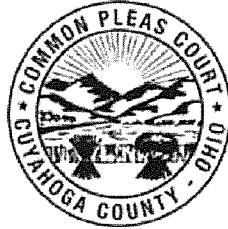
## CASE INFORMATION

### Docket Information

Filing Date	Side	Type	Description	Image
02/19/19	D	NT	NOTICE OF APPEARANCE, FILED DEFENDANT(S) ANJ, LLC(D1), EML EXPRESS, INC(D2) and ANTONIO NOGUEIRA(D3) JORDAN C. HETTRICH 0091744. ENTRY OF APPEARANCE	
02/16/19	N/A	SR	FX RECEIPT NO. 37686730 RETURNED 2/7/2019 FAILURE OF SERVICE ON PARTY NOGUEIRA/ANTONIO/ - BAD ADDRESS AFTER 8 DAYS	
02/09/19	N/A	SR	FEDEX RECEIPT NO. 37686729 DELIVERED BY FEDEX 02/08/2019 EML EXPRESS, INC PROCESSED BY COC 02/09/2019.	
02/08/19	N/A	SR	FEDEX RECEIPT NO. 37686728 DELIVERED BY FEDEX 02/07/2019 ANJ, LLC PROCESSED BY COC 02/08/2019.	
02/07/19	N/A	JE	ATTORNEY TAYFEL'S MOTION TO WITHDRAW AS PLAINTIFFS' ATTORNEY, FILED 02/06/2019, IS GRANTED. ATTORNEY WALLACE WILL CONTINUE TO REPRESENT THE PLAINTIFFS. NOTICE ISSUED	
02/06/19	P	MO	MOTION TO WITHDRAW AS COUNSEL MOTION TO WITHDRAW AS PLAINTIFFS' ATTORNEY 02/07/2019 - GRANTED	
02/04/19	N/A	SR	SUMMONS E-FILE COPY COST	
02/04/19	N/A	SR	SUMMONS E-FILE COPY COST	
02/04/19	D3	CS	WRIT FEE	
02/04/19	D3	SR	SUMS COMPLAINT(37686730) SENT BY FEDERAL EXPRESS. TO: ANTONIO NOGUEIRA 602 NW 13TH STREET NO. 34 BOCA RATON, FL 33486	
02/04/19	D2	CS	WRIT FEE	
02/04/19	D2	SR	SUMS COMPLAINT(37686729) SENT BY FEDERAL EXPRESS. TO: EML EXPRESS, INC 8 S STREET HULL, MA 02045	
02/04/19	N/A	SR	SUMMONS E-FILE COPY COST	
02/04/19	D1	CS	WRIT FEE	
02/04/19	D1	SR	SUMS COMPLAINT(37686728) SENT BY FEDERAL EXPRESS. TO: ANJ, LLC 784 SECOND STREET FALL RIVER, MA 02721	
01/30/19	N/A	SF	JUDGE MAUREEN CLANCY ASSIGNED (RANDOM)	
01/30/19	P1	SF	LEGAL RESEARCH	
01/30/19	P1	SF	LEGAL NEWS	
01/30/19	P1	SF	LEGAL AID	
01/30/19	P1	SF	COURT SPECIAL PROJECTS FUND	
01/30/19	P1	SF	COMPUTER FEE	
01/30/19	P1	SF	CLERK'S FEE	
01/30/19	P1	SF	DEPOSIT AMOUNT PAID ERIC W TAYFEL	
01/30/19	N/A	SF	CASE FILED: COMPLAINT	

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**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed:**  
**January 30, 2019 13:33**

By: ERIC W. TAYFEL 0068222

Confirmation Nbr. 1612517

DENNIS J SCHMITT, ET AL

CV 19 910339

vs.

ANJ, LLC, ET AL

**Judge: MAUREEN CLANCY**

**Pages Filed: 5**

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

**DENNIS J. SCHMITT  
52 Diebold Road  
McKees Rocks, PA 15136**

**Case No.**

**Hon.**

**and**

**DIANE SCHMITT  
52 Diebold Road  
McKees Rocks, PA 15136**

**Plaintiffs,**

**vs.**

**ANJ, LLC  
784 Second Street  
Fall River, MA 02721**

**and**

**EML EXPRESS, INC.  
8 S Street  
Hull, MA 02045-1503**

**and**

**ANTONIO NOGUEIRA  
602 N.W. 13<sup>th</sup> Street, No. 34  
Boca Raton, FL 33486**

**Defendants.**

**COMPLAINT  
(Jury Demand Endorsed Hercin)**

NOW come Plaintiffs, Dennis and Diane Schmitt, and for their Complaint against Defendants ANJ, LLC (hereafter Defendant ANJ), Defendant EML Express, Inc. (hereafter Defendant EML) and Defendant Antonio Nogueira (hereafter Defendant Nogueira) state as follows:

1. Plaintiffs Dennis Schmitt and Diane Schmitt were at all times relevant herein, private citizens and residents of the City of McKees Rocks, Allegheny County, in the Commonwealth of Pennsylvania.

2. Defendant ANJ was at all times herein, a foreign, for profit corporation, with its principle place of business being located at 784 Second Street, Fall River, Massachusetts.

3. Defendant EML was at all times relevant herein, a foreign, for profit corporation, with its principle place of business being located at 8 S Street, Hull Massachusetts.

4. Defendant Nogueira is a private citizen and upon information and belief is a resident of the City of Boca Raton, in the State of Florida.

5. At all times relevant herein, Defendant Nogueira was an employee and/or agent of Defendant ANJ and/or Defendant EML.

6. On January 30, 2017, Plaintiff Dennis Schmitt was operating a 2008 International box truck on I-271 south in the City of Bedford Heights, Cuyahoga County, Ohio.

7. At all times relevant herein, Plaintiff Dennis Schmitt was operating his vehicle in a safe and lawful manner.

8. At that same date, time and location, Defendant Nogueira was operating a tractor trailer and was also traveling on I-271 southbound.

9. When it was to the left of the Schmitt vehicle, the tractor trailer attempted to change lanes to the right. When it attempted to do so, it struck the vehicle driven by Plaintiff Dennis Schmitt, causing the Schmitt vehicle to be forced from the roadway, before ultimately crashing into a concrete barrier.

10. The crash was a direct result of the negligence of Defendant Nogueira, Defendant ANJ and/or Defendant EML. That negligence includes, but is not limited to:

- (a) Failing to keep a proper lookout;
- (b) Failing to properly control the tractor trailer;
- (c) Failing to maintain travel in a designated lane;
- (d) Failing to yield the right of way to the vehicle carrying Plaintiff Dennis Schmitt;
- (e) Failing to properly signal a lane change;
- (f) Failing to safely change lanes;
- (g) Such other negligence as may be developed during the course of discovery.

11. Following the impact with the vehicle operated by Plaintiff Dennis Schmitt, Defendant Nogueira recklessly fled the scene of the accident. It was only later that a passerby was able to chase down Defendant Nogueira and obtain his information.

12. Fleeing the scene of an accident is a reckless act, which entitles Plaintiffs to punitive damages.

13. As a direct and proximate result of the crash, Plaintiff Dennis Schmitt suffered physical injuries, some of which are permanent in nature. These injuries include strain/sprain of the cervical spine, cervical radiculopathy, fractured and bruised ribs, tear of the rotator cuff, strain/sprain of the shoulder, strain/sprain of the low back and a concussion.

14. Plaintiff has incurred medical expenses in excess of \$56,000.00 as a direct and proximate result of the crash.

15. Plaintiff Dennis Schmitt's injuries have caused, and will continue to cause, Plaintiff Dennis Schmitt pain, anguish, loss of the ability to perform his usual daily functions and a loss of enjoyment of life.

16. Plaintiff Dennis Schmitt has suffered a loss of income and will continue to suffer a loss of income in the future, due to his permanent injuries.

17. All the harms and losses suffered by Plaintiff Dennis Schmitt, as set forth above, are the direct and proximate result of the negligence and/or recklessness of Defendant ANJ, Defendant EML and/or Defendant Nogueira.

18. As the employer or principle of their agents or employees, Defendant ANJ and Defendant EML are responsible for the negligent and/or reckless acts of their employees or agents.

19. At all times relevant herein, Plaintiff Diane Schmitt has been the lawfully wedded to Plaintiff Dennis Schmitt.

20. As a direct and proximate result of Defendants' actions and inactions as set forth above, Plaintiff Diane Schmitt has sustained the loss of her husband's consortium, including the loss of his society, services, affection and relations.

**WHEREFORE**, Plaintiffs respectfully request the Court award compensatory and punitive damages against Defendant ANJ, LLC, Defendant EML Express, Inc. and Defendant Antonio Nogueira, jointly and severally, in an amount sufficient to satisfy the jurisdictional limits of this Court and to fully and fairly compensate Plaintiffs for their harms and losses set forth herein. Plaintiffs further pray for their attorney's fees, costs and for such other relief as this Court deems just and proper.

Respectfully submitted.

/s/Christopher J. Wallace  
CHRISTOPHER J. WALLACE (0065561)  
The Wallace Firm, PLLC  
3350 Pennsylvania Avenue, Suite B  
PO Box 2100  
Weirton WV 26062  
T: (855) 530-9300/F: (888) 502-8391  
[cwallace@wallace-firm.com](mailto:cwallace@wallace-firm.com)  
Attorney for Plaintiffs

/s/ Eric W. Tayfel  
ERIC W. TAYFEL ESQ (0068222)  
Tayfel & Associates, LLC  
1360 West 9<sup>th</sup> Street, Suite 310  
Cleveland, Ohio 44113  
T: (216) 443-0550/F: (216) 443-0558  
[etayfel@tayfellow.com](mailto:etayfel@tayfellow.com)  
Attorney for Plaintiff

**JURY DEMAND**

A Jury Demand is Endorsed Herein.

/s/ Christopher J. Wallace  
CHRISTOPHER J. WALLACE ESQ (0065561)

And

/s/ Eric W. Tayfel  
ERIC W. TAYFEL ESQ (0068222)  
Attorney for Plaintiff

**CASE NO.**  
CV19910339

D1 FX

**SUMMONS NO.**  
37686728

Rule 4 (B) Ohio

Rules of Civil  
Procedure

DENNIS J SCHMITT, ET AL  
**VS**  
ANJ, LLC, ET AL

**PLAINTIFF**

**DEFENDANT**

## SUMMONS

ANJ, LLC  
784 SECOND STREET  
FALL RIVER MA 02721

Said answer is required to be served on:

Plaintiff's Attorney

CHRISTOPHER J WALLACE  
THE WALLACE FIRM, PLLC

P.O. BOX 2100  
WEIRTON, WV 26062-0000

Case has been assigned to Judge:

MAUREEN CLANCY

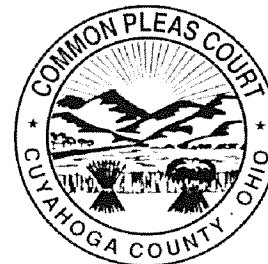
**Do not contact judge. Judge's name is given for  
attorney's reference only.**

**DATE SENT**  
Feb 4, 2019

**NAILAH K. BYRD**  
Clerk of the Court of Common Pleas

*[Signature]*

By \_\_\_\_\_  
Deputy



COMPLAINT FILED 01/30/2019





February 8, 2019

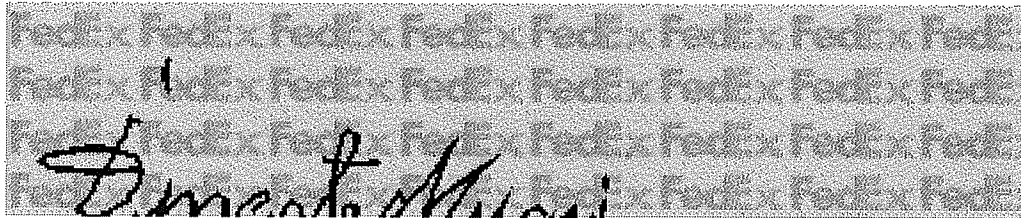
Dear Customer:

The following is the proof-of-delivery for tracking number **785300336760**.

---

**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Receptionist/Front Desk
<b>Signed for by:</b>	M.DIMETRE	<b>Delivery location:</b>	784 2ND ST FALL RIVER, MA 02721
<b>Service type:</b>	FedEx Express Saver	<b>Delivery date:</b>	Feb 7, 2019 11:23
<b>Special Handling:</b>	Deliver Weekday  Direct Signature Required		



---

**Shipping Information:**

<b>Tracking number:</b>	785300336760	<b>Ship date:</b>	Feb 4, 2019
		<b>Weight:</b>	0.5 lbs/0.2 kg

**Recipient:**  
ANJ, LLC  
784 SECOND STREET  
FALL RIVER, MA 02721 US

**Shipper:**  
CCoC  
1200 Ontario  
Cleveland, OH 44113 US

**Reference**  
**Invoice number**

CV19910339  
37686728

Thank you for choosing FedEx.

CASE NO.  
CV19910339

D2 FX

SUMMONS NO.  
37686729

Rule 4 (B) Ohio

Rules of Civil  
Procedure

DENNIS J SCHMITT, ET AL  
VS

ANJ, LLC, ET AL

PLAINTIFF

DEFENDANT

## SUMMONS

EML EXPRESS, INC  
8 S STREET  
HULL MA 02045

Said answer is required to be served on:

Plaintiff's Attorney

CHRISTOPHER J WALLACE  
THE WALLACE FIRM, PLLC

P.O. BOX 2100  
WEIRTON, WV 26062-0000

You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

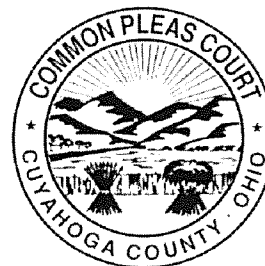
If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

MAUREEN CLANCY

Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD  
Clerk of the Court of Common Pleas

DATE SENT

Feb 4, 2019

By

Deputy

COMPLAINT FILED 01/30/2019





February 9, 2019

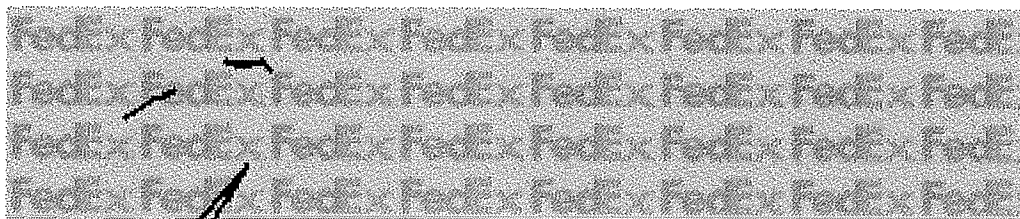
Dear Customer:

The following is the proof-of-delivery for tracking number **785300337907**.

---

**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Residence
<b>Signed for by:</b>	C.LONG	<b>Delivery location:</b>	8 S ST HULL, MA 02045
<b>Service type:</b>	FedEx Express Saver	<b>Delivery date:</b>	Feb 8, 2019 10:52
<b>Special Handling:</b>	Deliver Weekday  Residential Delivery  Direct Signature Required		




---

**Shipping Information:**

<b>Tracking number:</b>	785300337907	<b>Ship date:</b>	Feb 4, 2019
		<b>Weight:</b>	0.5 lbs/0.2 kg

**Recipient:**  
EML EXPRESS, INC  
8 S STREET  
HULL, MA 02045 US

**Shipper:**  
CCoC  
1200 Ontario  
Cleveland, OH 44113 US

**Reference**  
**Invoice number**

CV19910339  
37686729

Thank you for choosing FedEx.

CASE NO.  
CV19910339

D3 FX

SUMMONS NO.  
37686730

Rule 4 (B) Ohio

Rules of Civil  
Procedure

DENNIS J SCHMITT, ET AL  
VS  
ANJ, LLC, ET AL

PLAINTIFF

DEFENDANT

## SUMMONS

ANTONIO NOGUEIRA  
602 NW 13TH STREET NO. 34  
BOCA RATON FL 33486

Said answer is required to be served on:

Plaintiff's Attorney

CHRISTOPHER J WALLACE  
THE WALLACE FIRM, PLLC

P.O. BOX 2100  
WEIRTON, WV 26062-0000

You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

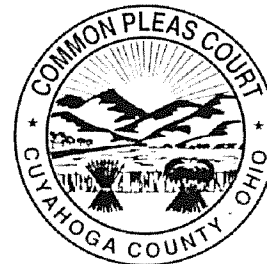
MAUREEN CLANCY

Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD  
Clerk of the Court of Common Pleas

*[Signature]*

By \_\_\_\_\_  
Deputy



DATE SENT  
Feb 4, 2019

COMPLAINT FILED 01/30/2019



IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

DENNIS SCHMITT, et al.

Plaintiff

ANJ, LLC, et al.

Defendants.

)  
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CASE NO: CV 19 910339

JUDGE MAUREEN CLANCY

MOTION TO WITHDRAW AS  
PLAINTIFFS' ATTORNEY

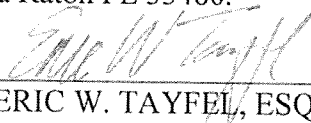
Now comes Eric W. Tayfel co-counsel for Plaintiffs Dennis J. Schmitt and Diane Schmitt to request this Honorable Court approve his *Motion To Withdraw* as counsel for Plaintiffs as his co-counsel Christopher Wallace is prepared to continue as the sole attorney of record. Further, the undersigned certifies that Plaintiffs are in agreement and remain informed of any orders and upcoming assignment dates in this matter as required by Mr. Wallace.

Respectfully Submitted,

  
ERIC W. TAYFEL, ESQ. (0068222)  
Tayfel & Associates, LLC  
1360 W. 9<sup>th</sup> Street, Suite 310  
Cleveland, Ohio 44113  
T: (216) 443-0550/F: (216) 443-0558  
[etayfel@tayfellow.com](mailto:etayfel@tayfellow.com)

CERTIFICATE OF SERICE

A copy of the foregoing *Motion To Withdraw As Plaintiffs' Attorney* was sent this 6<sup>th</sup> day of February, 2019 via e-mail to: Christopher Wallace, The Wallace Firm, PLLC, 3350 Pennsylvania Avenue, Suite B, PO Box 2100, Weirton WV 26062 [cwallace@wallace-firm.com](mailto:cwallace@wallace-firm.com) and via regular US Mail, postage pre-paid, to: ANJ, LLC, 784 Second Street, Fall River MA 02721; EML Express, Inc., 8 S Street, Hull MA 02045-1503 and Antonio Nogueira, 602 N.W. 13<sup>th</sup> Street No. 34, Boca Raton FL 33486.

  
ERIC W. TAYFEL, ESQ. (0068222)

CASE NO.  
CV19910339

D2 FX

SUMMONS NO.  
37686729

Rule 4 (B) Ohio

Rules of Civil  
Procedure

DENNIS J SCHMITT, ET AL  
VS  
ANJ, LLC, ET AL

PLAINTIFF  
DEFENDANT

## SUMMONS

EML EXPRESS, INC  
8 S STREET  
HULL MA 02045

Said answer is required to be served on:



Plaintiff's Attorney

CHRISTOPHER J WALLACE  
THE WALLACE FIRM, PLLC

P.O. BOX 2100  
WEIRTON, WV 26062-0000

You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

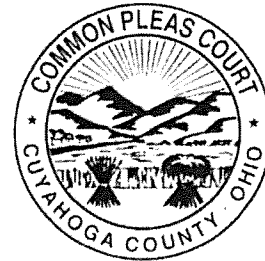
Case has been assigned to Judge:

MAUREEN CLANCY  
Do not contact judge. Judge's name is given for attorney's reference only.

DATE SENT  
Feb 4, 2019

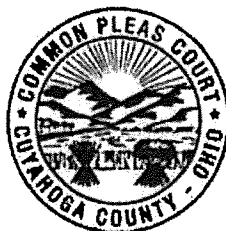
NAILAH K. BYRD  
Clerk of the Court of Common Pleas

By \_\_\_\_\_  
Deputy



COMPLAINT FILED 01/30/2019





**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed:**  
**January 30, 2019 13:33**

By: ERIC W. TAYFEL 0068222

Confirmation Nbr. 1612517

DENNIS J SCHMITT, ET AL

CV 19 910339

vs.

ANJ, LLC, ET AL

**Judge: MAUREEN CLANCY**

Pages Filed: 5

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

DENNIS J. SCHMITT  
52 Diebold Road  
McKees Rocks, PA 15136

Case No.

Hon.

and

DIANE SCHMITT  
52 Diebold Road  
McKees Rocks, PA 15136

Plaintiffs,

vs.

ANJ, LLC  
784 Second Street  
Fall River, MA 02721

and

EML EXPRESS, INC.  
8 S Street  
Hull, MA 02045-1503

and

ANTONIO NOGUEIRA  
602 N.W. 13<sup>th</sup> Street, No. 34  
Boca Raton, FL 33486

Defendants.

COMPLAINT  
(Jury Demand Endorsed Herein)

NOW come Plaintiffs, Dennis and Diane Schmitt, and for their Complaint against Defendants ANJ, LLC (hereafter Defendant ANJ), Defendant EML Express, Inc. (hereafter Defendant EML) and Defendant Antonio Nogueira (hereafter Defendant Nogueira) state as follows:

1. Plaintiffs Dennis Schmitt and Diane Schmitt were at all times relevant herein, private citizens and residents of the City of McKees Rocks, Allegheny County, in the Commonwealth of Pennsylvania.

2. Defendant ANJ was at all times herein, a foreign, for profit corporation, with its principle place of business being located at 784 Second Street, Fall River, Massachusetts.

3. Defendant EML was at all times relevant herein, a foreign, for profit corporation, with its principle place of business being located at 8 S Street, Hull Massachusetts.

4. Defendant Nogueira is a private citizen and upon information and belief is a resident of the City of Boca Raton, in the State of Florida.

5. At all times relevant herein, Defendant Nogueira was an employee and/or agent of Defendant ANJ and/or Defendant EML.

6. On January 30, 2017, Plaintiff Dennis Schmitt was operating a 2008 International box truck on I-271 south in the City of Bedford Heights, Cuyahoga County, Ohio.

7. At all times relevant herein, Plaintiff Dennis Schmitt was operating his vehicle in a safe and lawful manner.

8. At that same date, time and location, Defendant Nogueira was operating a tractor trailer and was also traveling on I-271 southbound.

9. When it was to the left of the Schmitt vehicle, the tractor trailer attempted to change lanes to the right. When it attempted to do so, it struck the vehicle driven by Plaintiff Dennis Schmitt, causing the Schmitt vehicle to be forced from the roadway, before ultimately crashing into a concrete barrier.

10. The crash was a direct result of the negligence of Defendant Nogueira, Defendant ANJ and/or Defendant EML. That negligence includes, but is not limited to:

- (a) Failing to keep a proper lookout;
- (b) Failing to properly control the tractor trailer;
- (c) Failing to maintain travel in a designated lane;
- (d) Failing to yield the right of way to the vehicle carrying Plaintiff Dennis Schmitt;
- (e) Failing to properly signal a lane change;
- (f) Failing to safely change lanes;
- (g) Such other negligence as may be developed during the course of discovery.

11. Following the impact with the vehicle operated by Plaintiff Dennis Schmitt, Defendant Nogueira recklessly fled the scene off the accident. It was only later that a passerby was able to chase down Defendant Nogueira and obtain his information.

12. Fleeing the scene of an accident is a reckless act, which entitles Plaintiffs to punitive damages.

13. As a direct and proximate result of the crash, Plaintiff Dennis Schmitt suffered physical injuries, some of which are permanent in nature. These injuries include strain/sprain of the cervical spine, cervical radiculopathy, fractured and bruised ribs, tear of the rotator cuff, strain/sprain of the shoulder, strain/sprain of the low back and a concussion.

14. Plaintiff has incurred medical expenses in excess of \$56,000.00 as a direct and proximate result of the crash.

15. Plaintiff Dennis Schmitt's injuries have caused, and will continue to cause, Plaintiff Dennis Schmitt pain, anguish, loss of the ability to perform his usual daily functions and a loss of enjoyment of life.

16. Plaintiff Dennis Schmitt has suffered a loss of income and will continue to suffer a loss of income in the future, due to his permanent injuries.

17. All the harms and losses suffered by Plaintiff Dennis Schmitt, as set forth above, are the direct and proximate result of the negligence and/or recklessness of Defendant ANJ, Defendant EML and/or Defendant Nogueira.

18. As the employer or principle of their agents or employees, Defendant ANJ and Defendant EML are responsible for the negligent and/or reckless acts of their employees or agents.

19. At all times relevant herein, Plaintiff Diane Schmitt has been the lawfully wedded to Plaintiff Dennis Schmitt.

20. As a direct and proximate result of Defendants' actions and inactions as set forth above, Plaintiff Diane Schmitt has sustained the loss of her husband's consortium, including the loss of his society, services, affection and relations.

**WHEREFORE**, Plaintiffs respectfully request the Court award compensatory and punitive damages against Defendant ANJ, LLC, Defendant EML Express, Inc. and Defendant Antonio Nogueira, jointly and severally, in an amount sufficient to satisfy the jurisdictional limits of this Court and to fully and fairly compensate Plaintiffs for their harms and losses set forth herein. Plaintiffs further pray for their attorney's fees, costs and for such other relief as this Court deems just and proper.

Respectfully submitted.

/s/ Christopher J. Wallace  
CHRISTOPHER J. WALLACE (0065561)  
The Wallace Firm, PLLC  
3350 Pennsylvania Avenue, Suite B  
PO Box 2100  
Weirton WV 26062  
T: (855) 530-9300/F: (888) 502-8391  
[cwallace@wallace-firm.com](mailto:cwallace@wallace-firm.com)  
Attorney for Plaintiffs

/s/ Eric W. Tayfel  
ERIC W. TAYFEL ESQ (0068222)  
Tayfel & Associates, LLC  
1360 West 9<sup>th</sup> Street, Suite 310  
Cleveland, Ohio 44113  
T: (216) 443-0550/F: (216) 443-0558  
[etayfel@tayfellaw.com](mailto:etayfel@tayfellaw.com)  
Attorney for Plaintiff

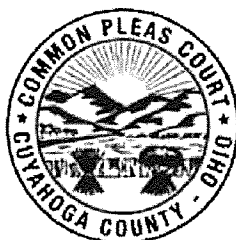
**JURY DEMAND**

A Jury Demand is Endorsed Herein.

/s/ Christopher J. Wallace  
CHRISTOPHER J. WALLACE ESQ (0065561)

And

/s/ Eric W. Tayfel  
ERIC W. TAYFEL ESQ (0068222)  
Attorney for Plaintiff



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**MOTION TO WITHDRAW AS COUNSEL**  
**February 6, 2019 16:18**

By: ERIC W. TAYFEL 0068222

Confirmation Nbr. 1618780

DENNIS J SCHMITT, ET AL

CV 19 910339

vs.

ANJ, LLC, ET AL

**Judge: MAUREEN CLANCY**

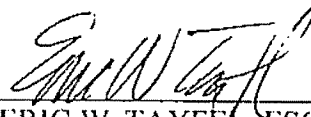
Pages Filed: 1

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

DENNIS SCHMITT, et al.	)	CASE NO: CV 19 910339
	)	
Plaintiff	)	JUDGE MAUREEN CLANCY
	)	
ANJ, LLC, et al.	)	<u>MOTION TO WITHDRAW AS</u>
	)	<u>PLAINTIFFS' ATTORNEY</u>
Defendants.	)	

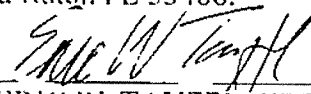
Now comes Eric W. Tayfel co-counsel for Plaintiffs Dennis J. Schmitt and Diane Schmitt to request this Honorable Court approve his *Motion To Withdraw* as counsel for Plaintiffs as his co-counsel Christopher Wallace is prepared to continue as the sole attorney of record. Further, the undersigned certifies that Plaintiffs are in agreement and remain informed of any orders and upcoming assignment dates in this matter as required by Mr. Wallace.

Respectfully Submitted,

  
ERIC W. TAYFEL, ESQ. (0068222)  
Tayfel & Associates, LLC  
1360 W. 9<sup>th</sup> Street, Suite 310  
Cleveland, Ohio 44113  
T: (216) 443-0550/F: (216) 443-0558  
[ctayfel@tayfellow.com](mailto:ctayfel@tayfellow.com)

CERTIFICATE OF SERICE

A copy of the foregoing *Motion To Withdraw As Plaintiffs' Attorney* was sent this 6<sup>th</sup> day of February, 2019 via e-mail to: Christopher Wallace, The Wallace Firm, PLLC, 3350 Pennsylvania Avenue, Suite B, PO Box 2100, Weirton WV 26062 [cwallace@wallace-firm.com](mailto:cwallace@wallace-firm.com) and via regular US Mail, postage pre-paid, to: ANJ, LLC, 784 Second Street, Fall River MA 02721: FML Express, Inc., 8 S Street, Hull MA 02045-1503 and Antonio Nogueira, 602 N.W. 13<sup>th</sup> Street No. 34, Boca Raton FL 33486.

  
ERIC W. TAYFEL, ESQ. (0068222)



107359981

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

DENNIS J SCHMITT, ET AL  
Plaintiff

Case No: CV-19-910339

Judge: MAUREEN CLANCY

ANJ, LLC, ET AL  
Defendant

**JOURNAL ENTRY**

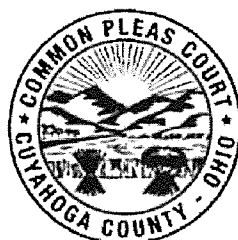
ATTORNEY TAYFEL'S MOTION TO WITHDRAW AS PLAINTIFFS' ATTORNEY, FILED 02/06/2019, IS GRANTED.  
ATTORNEY WALLACE WILL CONTINUE TO REPRESENT THE PLAINTIFFS.

Judge Signature

02/07/2019

02/07/2019

RECEIVED FOR FILING  
02/07/2019 16:04:20  
NAILAH K. BYRD, CLERK



**NAILAH K. BYRD**  
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1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**NOTICE OF APPEARANCE**  
**February 19, 2019 13:17**

By: JORDAN C. HETTRICH 0091744

Confirmation Nbr. 1629470

DENNIS J SCHMITT, ET AL

CV 19 910339

vs.

ANJ, LLC, ET AL

**Judge: MAUREEN CLANCY**

**Pages Filed: 2**

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

DENNIS J. SCHMITT and DIANE  
SCHMITT,

CIVIL ACTION NO.: CV 19 910339

Plaintiffs,

**JURY TRIAL DEMANDED HEREIN**

vs.

ANJ, LLC, EML EXPRESS, INC., and  
ANTONIO NOGUEIRA,

Defendants.

**ENTRY OF APPEARANCE**

Kindly enter the appearance of John T. Pion, Esquire, Jordan C. Hettrich, Esquire and Pion, Nerone, Girman, Winslow & Smith, P.C., on behalf of Defendants, ANJ, LLC, EML Express, Inc., and Antonio Nogueira, in the above matter.

PION, NERONE, GIRMAN, WINSLOW  
& SMITH, P.C.

By: /s/ Jordan C. Hettrich

John T. Pion, Esq.

OHSB #70722

Jordan C. Hettrich, Esq.

OHSB #91744

1500 One Gateway Center  
Pittsburgh PA 15222  
412-281-2288  
[jpion@pionlaw.com](mailto:jpion@pionlaw.com)  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I, Jordan C. Hettrich, hereby certify that a true and correct copy of the foregoing ENTRY OF APPEARANCE was served upon counsel of record by electronic mail, this 19<sup>th</sup> day of February, 2019, as follows:

Christopher J. Wallace, Esquire  
The Wallace Firm, PLLC  
3350 Pennsylvania Avenue, Suite B  
P.O. Box 2100  
Weirton, WV 26062  
cwallace@wallace-firm.com  
*Counsel for Plaintiffs*

PION, NERONE, GIRMAN, WINSLOW  
& SMITH, P.C.

By: /s/ Jordan C. Hettrich  
John T. Pion, Esq.  
OHSB #70722  
Jordan C. Hettrich, Esq.  
OHSB #91744